

BARCLAY DAMON<sup>LLP</sup>

Laurence J. Rabinovich  
*Partner*

May 24, 2017

**VIA ECF**

The Honorable Alvin K. Hellerstein  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

Re: Progressive Casualty Insurance Co. v. BAM Produce, Inc.  
Civil Action No. 1:17-cv-00289  
Our Matter No. 3084492

Dear Judge Hellerstein:

We are counsel to plaintiff Progressive Casualty Insurance Company in the above-referenced action. We are in receipt of the enclosed notice of court conference, which directs us to fax a copy of the notice to all counsel or otherwise provide a copy to all parties appearing in the action. Please be advised that no defendant has yet appeared in the action, and we anticipate filing requests for entry of default by the end of this month.

Respectfully,

  
Laurence J. Rabinovich

LJR:pb  
Enclosures

**Bramson, Philip A.**

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**From:** Rabinovich, Laurence J.  
**Sent:** Wednesday, May 24, 2017 8:10 AM  
**To:** Bramson, Philip A.; Langone, Maria L.  
**Subject:** Fwd: Activity in Case 1:17-cv-00289-AKH Progressive Casualty Insurance Company v. BAM Produce Inc. et al Order for Initial Pretrial Conference

Looks like we need to fax to all parties

Sent from my iPhone

Begin forwarded message:

**From:** <NYS ECF Pool@nysd.uscourts.gov>  
**Date:** May 24, 2017 at 7:41:26 AM EDT  
**To:** <CourtMail@nysd.uscourts.gov>  
**Subject:** Activity in Case 1:17-cv-00289-AKH Progressive Casualty Insurance Company v. BAM Produce Inc. et al Order for Initial Pretrial Conference

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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U.S. District Court

Southern District of New York

### Notice of Electronic Filing

The following transaction was entered on 5/24/2017 at 7:41 AM EDT and filed on 5/23/2017

**Case Name:** Progressive Casualty Insurance Company v. BAM Produce Inc. et al  
**Case Number:** 1:17-cv-00289-AKH  
**Filer:**  
**Document Number:** 8

### Docket Text:

**NOTICE OF COURT CONFERENCE:** Initial Conference set for 6/16/2017 at the United States Courthouse, 500 Pearl Street, New York, New York, 10007, in Courtroom 14D at 10:00 a.m. before Judge Alvin K. Hellerstein. It is Ordered that counsel to whom this Order is sent is responsible for faxing a copy to all counsel and retaining verification of such in the case file. Do not fax such verification to

**1:17-cv-00289-AKH Notice has been electronically mailed to:**

Laurence Jay Rabinovich [lrabinovich@barclaydamon.com](mailto:lrabinovich@barclaydamon.com), [docketing@hblaw.com](mailto:docketing@hblaw.com),  
[mvetrano@barclaydamon.com](mailto:mvetrano@barclaydamon.com), [pbramson@barclaydamon.com](mailto:pbramson@barclaydamon.com)

**1:17-cv-00289-AKH Notice has been delivered by other means to:**

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1008691343 [Date=5/24/2017] [FileNumber=18356445-  
0] [5553d15badfbd34298cf9d158d39f443fb8c3e0e27b8ce0f368546f7d2f49abea1  
0f7e72b23e2f2d47d44eb16d83557d8e819c8f1803e10d346915424ee64022]]

717 Page 1 of 2

**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
**DOC #:** \_\_\_\_\_  
**DATE** **FILED:** 5/23/17

17 Civ. 289(AKH)

**NOTICE OF COURT  
CONFERENCE**

Defendant(s).

The Honorable Alvin K. Hellerstein, U.S.D.J. has ordered that counsel for all parties and any pro se parties attend a conference, at the time and place fixed below, for the purpose of Case Management and scheduling pursuant to Rule 16 of the Federal Rules of Civil Procedure. Counsel or pro se plaintiff receiving this notice is directed to furnish all attorneys and any pro se parties in this action, as and when they appear, with copies of this order and enclosures, and to retain due proof thereof. If you are unaware of the identity of counsel for any of the parties, you must forthwith send a copy of this notice and enclosures to that party personally, informing the party that any unrepresented party is required to appear at the conference in person. Counsel attending the conference should be the attorneys who will try the action, or who have full authority to resolve all issues to be decided, to enter into stipulations and who are authorized to discuss settlement.

In the absence of an unforeseeable emergency, applications for adjournment must be submitted no later than 48 hours prior to the conference date, and must be submitted in conformity with Judge Hellerstein's Individual Rule 1.D. All requests for adjournments shall be made by fax to 212-805-7942.


Counsel are required to meet and confer about case management at least one week prior to the scheduled conference date. At the conference, the parties shall furnish the Court with a written report of their agreements regarding the planning of discovery, pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and as required by Judge Hellerstein's Individual Rule 2.A.i. **Individual Rules of Practice and form of Civil Case Management Plan (parties may utilize in making this report) are**

available at <http://www.nysd.uscourts.gov/judge/Hellerstein>. Counsel must still attend the scheduled conference even if they have come to agreement upon all the terms of the Case Management Plan. The Case Management Plan shall provide that the case be ready for trial within the shortest practicable time. As agreed upon by counsel, discovery may, and preferably should, commence prior to the conference before the Court. Counsel shall also inform the Court as to whether they consent to having the action tried before the Magistrate Judge assigned to the action (without identifying which parties have or have not so consented).

In addition to the matters detailed in the Case Management Plan, counsel should also be prepared to address at the conference: the factual and legal bases for their claims or defenses, identification and quantification of all alleged damages, any issue as to subject matter jurisdiction, the factors relevant to the potential for settlement and when such discussions should take place, and any other issue relevant to case management.

If this case has been designated an electronic case, by the date of the initial pretrial conference, counsel for all parties are required to register as filing users in accordance with the Procedures for Electronic Case Filing. In accordance with Individual Chambers Rules, courtesy copies of all motions and supporting memoranda, affidavits, and exhibits must be sent to chambers by mail.

Dated: New York, New York  
May 22nd, 2017



ALVIN K. HELLERSTEIN  
United States District Judge

It is Ordered that counsel to whom this Order is sent is responsible for faxing a copy to all counsel and retaining verification of such in the case file. Do not fax such verification to Chambers.

Please include telephone numbers and fax numbers on all documents submitted to the Court.

(Revised 8/04/16)